

Section 180.

Emergency Assents

1. Catastrophic Storms Assent

A. The Executive Director may grant an Emergency Assent when catastrophic storms, flooding, and/or erosion has occurred at a site under Council jurisdiction, and where, if immediate action is not taken, the existing conditions may cause one or more of the following:

- 1) Immediate threat to public health and safety;
- 2) Immediate and significant adverse environmental impacts;

These Emergency Assents may permit only such action at the site that will correct conditions (1) and (2) above in a manner consistent with the policies of the Program.

2. Imminent Peril Assent

A. The Chairman, Vice Chairman, or in their absence the Executive Director, may grant an Emergency Assent in circumstances where they determine that there is imminent peril and where, if immediate action is not taken, the existing conditions may cause one or more of the following:

- (1) Bodily harm or a threat to public health;
- (2) Significant adverse environmental impacts; or
- (3) Significant economic loss to the State.

B. The reasons for these findings shall be stated on the record.

3. Post Hurricane and Storm Permitting Procedures

A. It shall be the policy of the Council to establish emergency procedures for the issuance of assents in the event of the following:

- (1) A hurricane, severe storm or other disaster has caused severe and widespread damage in portions of CRMC jurisdiction; and
- (2) The Governor has submitted a formal request to the President to declare areas within

CRMC jurisdiction a major disaster area; and

(3) The Executive Director of the CRMC determines the probable number of applications for CRMC assents resulting directly from the disaster will cause significant delays in the orderly processing of assents and, thereby impose an undue hardship on disaster victims and other applicants; and

(4) The CRMC shall provide adequate public notice of its decisions to impose emergency procedures.

B. The Council encourages other state agencies and each coastal community to adopt emergency permitting procedures equivalent to those of the CRMC in order to speed appropriate reconstruction and minimize adverse economic and environmental impacts.

C. The Council shall impose a temporary moratorium to remain in effect for a maximum of 30 days from the disaster declaration. The purpose of the moratorium shall be to provide the Council and affected coastal communities with adequate time to assess damages, determine changes in natural features that may change vulnerability to damage, and identify mitigation opportunities. The temporary moratorium shall apply to the following:

- (1) Applications for new alterations and activities requiring Council Assent, which do not result from the disaster.
- (2) Reconstruction of all residential and associated residential structures, commercial and recreational structures in both A-zone and V-zone that were destroyed by 50% or more by storm induced flood, wave and wind damage.

D. During the moratorium, priority consideration will be given to necessary and/or emergency alterations, reconstruction, or replacement of essential public facilities, such as roads, bridges, and public utilities. The Council recognizes that a major hurricane or other storm events may severely damage or destroy infrastructure and utilities such as roads, bridges, water and sewer lines located in high hazard areas. When such damage occurs, it shall be the policy of the Council to require the review of alteration reconstruction options which may lessen or mitigate the probability of future recurrent damage.

E. During the moratorium the Executive Director of the Council shall solicit the recommendations of the Rhode Island Department of Environmental Management and the local municipalities for the purchase of open space or other mitigative responses in high damage areas and make a policy decision about repermitting according to best available options for hurricane mitigation.

F. Procedures and priorities for addressing post storm reconstruction applications after the moratorium are as follows:

- 1) Priority will be given to consideration of applications for reconstruction of structures which were physically damaged or destroyed 50 percent or more by storm-induced flooding, wave or wind damage.
- 2) Applicants for repair or reconstruction in A, B, or C flood zones, as delineated in the FEMA maps, may follow the procedures in Section 300.14 Maintenance.
- 3) Final priority will be given to any application for new alterations and activities unrelated to the disaster.
- 4) If the Executive Director determines that a large number of post-storm applications will be received, and that the normal processing will result in an undue burden or hardship to storm victims, and the Executive Director determines there is no over-riding programmatic policy of goal to be served by holding a group of applications, then the Executive Director may, in specific instances, waive the requirements of a new Assent for structures physically destroyed 50 percent or more by storm-induced flood, wave and wind damage, and allow for Emergency Permits to be issued.